



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,463	08/07/2000	Stephen J. Orr	0100.0001080	3449

23418 7590 07/01/2003

VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO, IL 60601

EXAMINER

NATNAEL, PAULOS M

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 07/01/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/633,463

Applicant(s)

ORR ET AL

Examiner

Paulos M. Natnael

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-9,11,14 and 16 is/are rejected.
- 7) ☒ Claim(s) 3,6,10,12,13,15,17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. As Applicant correctly pointed out, Claim 16 corresponds to Claim 4, but Claim 16 was inadvertently indicated as allowable and was objected to as being dependent upon a rejected base claim. Claim 16 is herein below rejected for the same reasons as claim 4. Hence, this rejection is a Non-final Rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1,2,4,5,7-9,11, 14 and 16** are again rejected under 35 U.S.C. 103(a) as being unpatentable over Tamir et al., U.S. Pat. No. 5,923,365.

Considering claim 1, Tamir et al. disclose the following claimed subject matter, note;

b) the claimed method of identifying a first portion of an image, is met by step 100, FIG.3A;

c) the claimed method of displaying the first portion, is met by step 100, Fig. 3A;

d) the method of detecting motion of an object within the portion of the image, met is by step 110, fig.3A;

Art Unit: 2614

e) the claimed method of selecting a second portion of the image such that the object appears at least a predetermined distance from an edge of the second portion of the image, and displaying the second portion is met by steps 146, 150, and 160, Fig. 3A;

Except for;

a) the claimed method of "beginning a zoom mode";

Regarding a), Tamir et al., does not specifically disclose a zoom mode.

However, the zoom mode is well known in the art and Tamir et al. discloses, "The tracking procedure takes into account the fact that there may be a change of magnification (zoom in and out) and of objects' poses through the succession of frames." (col. 10, lines 10-13)

Therefore, it would have been obvious to the skilled in the art to modify the system of Tamir, to provide it with a zoom mode at the beginning of the process, to take account of the magnification or (zoom in and out) as Tamir et al. clearly suggest, and in order to focus on the desired portion of the image for reliable and efficient processing.

Considering claim 2, the claimed when at least one edge of the second portion to the image extends beyond the image, terminating the zoom mode, is met by the step 170, where the system executes an analysis of disappearance/ reentry prediction for marked objects.

Art Unit: 2614

Considering claim 4, the method of claim 1, wherein the first portion of the image and the second portion of the image are MPEG2 images; and wherein the step of detecting motion of an object within the portion of the image includes a step of examining MPEG2 motion vectors is met by the disclosure that "The optibase JPG-2000 board is using Motion JPEG algorithm for compression; other algorithm, such as MPEG, may also be used. (see col. 6, lines 56-58)

Considering claim 5, Tamir discloses the following claimed subject matter, note;

b) a video signal processor coupled to the tuner and operative to select a portion of the video image to provide a selected portion of the video image is met by Host computer 30 and the image analyzer 50 (FIG.1);

a) the video signal processor also operative, while all edges of the selected portion of the video image are within the video image to zoom to the selected portion of the video image, to detect movement of an object within the selected portion of the video image, and to select a second portion of the video image to redefine the selected portion of the video image, is met by Host computer 30 and the image analyzer 50 (FIG.1) ; (see col. 8, lines 53-54)

Except for;

a) the claimed tuner operative to receive a video image;

Regarding a), Tamir et al. do not disclose a tuner. However, Examiner takes an Official Notice here in that a tuner is a very well known device in the art and, therefore, it

Art Unit: 2614

would have been obvious to the skilled in the art at the time the invention was made to provide a tuner device and modify the system of Tamir et al.

Considering claim 7, the television system of claim 5, wherein the television system is one of set top box, a desk top box, and a personal digital assistant is met by Fig.1;

Considering claim 8, a method for providing a zoom video tracking image, comprising steps of beginning a zoom mode;

- a) identifying a first portion of an image;
- b) displaying the first portion in a zoom frame within a full frame of the image;
- c) detecting motion of an object within the zoom frame;
- d) selecting a second portion of the image such that the object appears at least a predetermined distance from an edge of the second portion of the image; and displaying the second portion in the zoom frame.

Regarding claim 8, see rejection of claim 1;

Considering claim 9, see rejection of claim 2;

Considering claim 11, the method of claim 8, wherein the first portion of the image and the second portion of the image are MPEG2 images; and wherein the detecting motion of an object within the portion of the image includes a step of examining MPEG2 motion

Art Unit: 2614

vectors.

Regarding claim **11**, see rejection of claim 4;

Considering claim **14**, Tamir et al. disclose the following claimed subject matter, note;

- a) a tuner operative to receive a video image;
- b) a video signal processor coupled to the tuner and operative to select a portion of a full frame of the video image to provide a selected portion of the video image;
- c) the video processor also operative, while all edges of the selected portion of the video image are within the video image, to zoom to the selected portion of the video image and display in a zoom frame, to detect movement of an object within the selected portion of the video image, and to select a second portion of the video image to redefine the selected portion of the video image and display in the zoom frame.

Regarding claim 14, see rejection of claim 8;

Considering claim **16**, see rejection of claim 4.

Response to Arguments

4. Applicant's arguments filed 4/21/03 have been fully considered but they are not persuasive. Response follows.

Applicant's Arguments

a) Tamir fails to make obvious the beginning of a zoom mode as defined by Applicants' Specification. "Zooming allows a person watching television to magnify a selected portion of the television screen. The selected portion is a "zoom frame." The television displays the zoom frame, magnifying it to cover the entire screen, rather than the entire MPEG2 frames (i.e., the "full frames") as received by the television." (Page 2, First Paragraph; Emphasis Added). Examiner's citation to a tracking procedure that takes into account a change in magnification (zoom in and out) is wholly different from Applicants' claimed invention. Tamir explains that the tracking technique is used to track a selected object throughout a succession of frames using a dynamical search window centered around the object location in the previous frame and performing the edge detection procedure inside this window. (Col. 9, Lines 52 - 60). Additionally, Tamir teaches that the tracking procedure takes into account that there may be a change in magnification and of objects' poses through the succession of frames. (Col. 10, Lines 10-13). Tamir teaches a system that can track an object when a cameraperson changes the magnification of a recorded image. (Emphasis Added.) A user of Tamir's system is unable to control the zoom percentage of any portion of the digital video.

b) Because Tamir is directed at a system that is unable to allow a user to zoom in upon a portion of an image, Applicants respectfully request a showing as to a reference that would make obvious the use of a zoom mode in connection with the editing system disclosed by Tamir. Furthermore, the remainder of Applicants' Claim 1 is not made

obvious by the Tamir reference. The claimed method of identifying a first portion of an image is not met by step 100 of Figure 3A. Step 100 references the process in which the video encoder 20 grabs and digitizes the first video frame. (Col. 8, Lines 53-55; Emphasis Added).

c) Tamir fails to disclose the identification of a first portion of an image in connection to a selected zoom mode. As a result, Tamir fails to make obvious the remaining elements of Claim 1, namely the selection and display of a second portion of the image when motion is detected of an object within the first portion of the image. Tamir does not make obvious any portion of Applicants' Claim 1.

d) With regard to Claim 2, Applicants respectfully repeat the relevant remarks made with respect to Claim 1. Specifically, Applicants note that Tamir fails to make obvious any use of a zoom mode or the identification of a first or second portion of an image. Therefore, Tamir also fails to teach any subsequent limitation upon Claim 1. Specifically Tamir does not anticipate the step of terminating the zoom mode when at least one edge of the second portion of the image extends beyond the image.

e) Tamir does not distinguish between a portion of the image and the entire image whereby the portion of the image represents a magnified portion of the image as defined by a user's zoom parameters. Moreover, Applicants' claimed invention does not relate to the technique of highlighting as taught by Tamir.

f) With respect to Claim 4, Applicants respectfully repeat the relevant remarks made with respect to Claim 1. Because Tamir does not anticipate the identifying of a first or second portion of an image and is only concerned with the entire camera field of view, Applicants maintain that Tamir cannot make obvious any subsequent limitation describing the type of image corresponding to a selected portion. (Emphasis Added). Furthermore, Tamir is silent as to the use of detecting motion of an object within the portion of the image by use of examining MPEG2 motion vectors. Applicants respectfully request a showing including the column and line number within Tamir that teaches this limitation.

g) Furthermore, Applicants take notice that Claim 16 corresponds to the system claim of Claim 4 and was not rejected. For the foregoing reasons, Applicants maintain that Claim 16 is also in proper condition for allowance.

Examiner's Response

a) Tamir et al., does not specifically disclose a zoom mode. However, the zoom mode is well known in the art and Tamir et al. discloses, "The tracking procedure takes into account the fact that there may be a change of magnification (zoom in and out) and of objects' poses through the succession of frames." (col. 10, lines 10-13) When tracking the objects, Tamir also tracks whether there is a change of magnification, that is, whether the camera is zooming in on an object or zooming out of an object. This clearly

Art Unit: 2614

indicates that the system of Tamir must employ a zoom mode. And when the system zooms out of an object, the Zoom Mode would logically be off. Therefore, it would have been obvious to those with ordinary skill in the art to modify the system of Tamir and provide a Zoom Mode initially in order to take account of the magnification (zoom in and out) as Tamir et al. clearly teaches.

Applicant's argument that Tamir doesn't suggest a Zoom Mode is therefore considered unpersuasive.

b) Applicant is arguing something that is not found in the claims. The claim doesn't recite an identification of a first portion of an image in connection to a selected zoom mode.

c) See Part A above in connection to response to argument in claim 1.

d) The claims simply recite a portion of an image. A frame would be considered a portion of an image. In fact, Applicant admits that the "selected portion is a Zoom Frame" (see Arguments Part A and/or page 2 of the specification). The claimed identifying of an image, therefore, is met by step 100 of FIG. 3A which clearly discloses "grabbing and digitization of the first frame."

e) See rejection of claim 1 and response of Part A above.

Art Unit: 2614

f) Tamir discloses that "The optibase JPG-2000 board is using Motion JPEG algorithm for compression; other algorithm, such as MPEG, may also be used. (see col. 6, lines 56-58) This clearly indicates that the Tamir system utilizes the well known methods of motion detection and compression algorithms of the MPEG system. (See also Part A of this Response) Argument is unpersuasive.

g) See note in Page 2 above concerning Claims 4 and 16, which both are now rejected.

Allowable Subject Matter

5. Claims **3,6,10,12,13, 15, 17 and 18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a method for providing a zoom video tracking image, comprising the step of, measuring a difference between the first portion of the image and the second portion of the image; and when the difference between the first portion of the image and the second portion of the image exceeds a predetermined threshold, terminating the zoom mode, as in claim 3;

Wherein the video signal processor is further operative to determine a difference between the first portion of the video image and the second portion of the video image,

Art Unit: 2614

and to cancel zoom in response to the difference exceeding a predetermined threshold, as in claim 6;

Measuring a difference between the first portion of the image and the second portion of the image; and when the difference between the first portion of the image and the second portion of the image exceeds a predetermined threshold, terminating the zoom mode, as in claim 10;

wherein, during panning of the image, objects within the image have larger MPEG2 motion vectors than an MPEG2 motion vector of the object within the first portion of the image, and wherein in the step of examining MPEG2 motion vectors, a compensated MPEG2 motion vector for objects in the first portion of the image is determined by eliminating an MPEG2 motion vector of the entire portion of the image taken as a whole from the MPEG2 motion vector of the object in the first portion of the image, as in claim 12;

wherein, during panning of the image, objects within the image have larger MPEG2 motion vectors than an MPEG2 motion vector of the object within the first portion of the image, and wherein the step of examining MPEG2 motion vectors comprises determining that an object has a larger motion vector in one direction when observed in a full frame of the image, and has a smaller motion vector when observed in a zoom frame in order to identify panning of the image, as in claim 13;

wherein the video signal processor is further operative to determine a difference between the first portion of the video image and the second portion of the video image,

and to cancel zoom in response to the difference exceeding a predetermined threshold, as in claim 15;

wherein, during panning of the image, objects within the image have larger MPEG2 motion vectors than an MPEG2 motion vector of the object within the first portion of the image, and wherein video signal processor is further operative to determine a compensated MPEG2 motion vector for objects in the first portion of the image by eliminating an MPEG2 motion vector of the entire portion of the image taken as a whole from the MPEG2 motion vector of the object in the first portion of the image, as in claims 17;

wherein, during panning of the image, objects within the image have larger MPEG2 motion vectors than an MPEG2 motion vector of the object within the first portion of the image, and wherein video signal processor is further operative to determine that an object has a larger motion vector in one direction when observed in a full frame of the image, and has a smaller motion vector when observed in a zoom frame in order to identify panning of the image, as in claim 18;

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703)305-0019. The examiner can normally be reached on 6:30am -3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone numbers for


Art Unit: 2614

the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Paulos Natnael

June 18, 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600